

ORDINANCE NO. 2003 - 043

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE CAPITAL IMPROVEMENT ELEMENT (TO UPDATE TABLE 3A PERTAINING TO THE WESTERN CORRIDOR INTERLOCAL AGREEMENT); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 14 & 28, and March 14, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 2, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 23, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 20, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

1 WHEREAS, on August 31, 2003 the Palm Beach County Board of County
2 Commissioners held a public hearing to review the written comments
3 submitted by the Department of Community Affairs and to consider
4 adoption of the amendments; and

5 WHEREAS, the Palm Beach County Board of County Commissioners has
6 determined that the amendments comply with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulations Act.

9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
10 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

11 Part I. Amendments to the 1989 Comprehensive Plan

12 Amendments to the following Element of the 1989 Comprehensive
13 Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- 14 A. Capital Improvement Element, to update Table 3A pertaining
15 to the Western Corridor Interlocal Agreement;
16 B. And amending all elements as necessary for internal
17 consistency.

18 Part II. Repeal of Laws in Conflict

19 All local laws and ordinances applying to the unincorporated area
20 of Palm Beach County in conflict with any provision of this ordinance
21 are hereby repealed to the extent of such conflict.

22 Part III. Severability

23 If any section, paragraph, sentence, clause, phrase, or word of
24 this Ordinance is for any reason held by the Court to be
25 unconstitutional, inoperative or void, such holding shall not affect
26 the remainder of this Ordinance.

27 Part IV. Inclusion in the 1989 Comprehensive Plan

28 The provision of this Ordinance shall become and be made a part
29 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
30 Ordinance may be renumbered or relettered to accomplish such, and the
31 word "ordinance" may be changed to "section," "article," or any other
32 appropriate word.

33 Part V. Effective Date

34 The effective date of this plan amendment shall be the date a
35 final order is issued by the Department of Community Affairs or

Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21 day of August, 2003.

ATTEST:

DOROTHY H. WILKINSON, Clerk


PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:  By: 

Deputy Clerk

Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 28 day

of August, 2003

TABLE 3A
PALM BEACH COUNTY SIX YEAR ROAD IMPROVEMENT SCHEDULE (\$'s IN 1,000's)

PROJECT	LIMITS	FY 2003 Cost Phase	FY 2004 Cost Phase	FY 2005 Cost Phase	FY 2006 Cost Phase	FY 2007 Cost Phase	FY 2008 Cost Phase
10th Avenue North	Congress Ave. to I-95	330 S/D					
45th Street	Jog Rd. to Haverhill Rd.	650 D		1,000 R		6,200 R/C	
Acreage/Southern Connection	SR 80 to Orange Blvd.				2,000		
Alternate A1A (SR 811)	Donald Ross Rd. to Frederick Small Rd.		10 D	300 D			
Alternate A1A (SR 811)	Frederick Small Rd. to Toney Penna Dr.	10 D	600 D			6,000 C	
Alternate A1A (SR 811)	Toney Penna Dr. to Indiantown Rd.	200 D			1,500 C		
Australian Ave.	Blue Heron Blvd. to Old Dixie Hwy.		10 S	200 S			
Belvedere Rd.	E. of Jog Rd. to Military Trail		10 D/S	200 D/S	2,000 D/R		4,500 C
Boca Rio Rd.	Palmetto Park Rd. to Glades Rd.			1,500 R/M			
Cain Blvd.	Glades Rd. to Yamato Rd.		200 S/D	500 D/R			
Clint Moore Rd.	SR 7 to Jog Rd.	10,200 C					
Computer Equipment	Staff support equipment for program	150 P	150 P	180 P	180 P	180 P	180 P
Congress Ave.	Hypoluxo Rd. to Lantana Rd.	700 R	300 R	3,360 C			
Congress Ave.	Lantana Rd. to Melaleuca Ln.	10 D	730 D	750 R	5,400 C		
Congress Ave.	Melaleuca Lane to Lake Worth Rd.	3,230 C					
Congress Ave.	Northlake Blvd. to SR 811 (Alt A1A)		1,000 D/R	2,500 P			
CR 880 (Old SR 80)	rehabilitation/heavy maintenance	500 C	1,000 C	500 C	500 C	500 C	500 C
Florida's Turnpike Bridge	Over West Atlantic Ave.		2,500 P				
Forest Hill Blvd.	Wellington Trace to SR 80		10 D	200 D			
Glades Area	R&R Throughout the Glades	800 C	800 C	800 C	800 C	800 C	800 C
Glades Rd.	and Jog Rd./Powerline Rd.	3,000 C					
Greenview Shores Blvd.	South Shore Blvd. to Wellington Tr.		100 R	4,230 C			
Haverhill Rd.	Hypoluxo Rd. to N. of LWDD L-17 Canal	250 P					
Haverhill Rd.	10th Ave. North to Purdy Lane	10 D	250 D		1,200 C		
Haverhill Rd.	45th Street to N. of Caribbean Blvd.	50 R	900 C				
Haverhill Rd.	N. of Caribbean Blvd. to Bee Line Hwy.		100 D		100 R		
Hypoluxo Rd.	Jog Rd. to Military Trail	400 D		50 R		3,000 C	
Indiantown Rd./I-95	Interchange	150 S/P					
Intersections	Countywide	5,000 D/R/C	5,000 D/R/C	5,000 D/R/C	5,000 D/R/C	5,000 D/R/C	5,000 D/R/C
Intracoastal Crossings	Countywide	1,000 S/D/R/M	10 S/D/R/M	1,500 S/D/R/M	8,000 S/D/R/M	6,000 S/D/R/M	
ITS Facility	Countywide		6,500 P				
Jog Rd.	Glades Rd. to Clint Moore Rd.		500 R		3,540 C		
Jog Rd.	West Atlantic Ave. to South of Lake Ida Rd.		1,820 C				
Jog Rd.	Roebuck Rd. to 45th Street	2,000 R/M	12,100 M/C				
Jog Rd.	Hood Rd. to Donald Ross Rd.		400 D		1,000 R/M		2,000 C

Study; D=Design; M=Mitigation; R=Right of Way; C=Construction; P=Payment; B=Beautification; L=Street Lighting

EXHIBIT 1

A. Capital Improvement Element, CIE Tables update with Western Corridor Provision

REVISIONS: To replace CIE Table 3A. The updated Table 3A is provided below.

TABLE 3A
PALM BEACH COUNTY SIX YEAR ROAD IMPROVEMENT SCHEDULE (\$'s IN 1,000's)

PROJECT	LIMITS	FY 2003 Cost Phase	FY 2004 Cost Phase	FY 2005 Cost Phase	FY 2006 Cost Phase	FY 2007 Cost Phase	FY 2008 Cost Phase
Lantana Rd.	and Hagen Ranch Rd./Fearnley Rd.		770 C				
Loxahatchee River Road	Bridge over the C-18 Canal		1,500 C				
Lyons Rd.	Glades Rd. to Yamato Rd.		5,120 C				
Lyons Rd.	N. of Forest Hill Blvd. to S. of S.R. 80	330 D	1,500 R		1,500 C		
Melaleuca Lane	Jog Rd. to Haverhill Rd.		3,780 C				
Northlake Blvd.	Seminole Pratt Whitney Rd. to Grapeview Rd.		400 D		700 R/M		3,500 C
Northlake Blvd.	Grapeview Rd. to Coconut Blvd.	500 D		800 R/M		4,100 C	
Okeechobee Blvd.	W. of SR 7 to E. of Jog Rd.	7,600 R/C					
Okeechobee Blvd.	E. of Jog Rd. to E. of Florida's Turnpike	2,100 C					
Okeechobee Blvd.	W. of Clear Lake Bridge to Australian Ave.	200 D		1,850 C			
Old Dixie Hwy.	Yamato Rd. to Linton Blvd.		200 S				
Old Dixie Hwy.	N. of Water Tower Rd.	1,000 D/R/C					
Palmetto Park Rd.	W. of Powerline Rd. to I-95	800 D		1,000 R/M			6,000 C
Pathway Program	Countywide	1,600 D/R/C	1,700 D/R/C	1,700 D/R/C	1,700 D/R/C	1,700 D/R/C	1,700 D/R/C
Persimmon Blvd.	Royal Palm Beach Blvd. to Okeechobee Blvd.	3,900 M/R	16,000 M/R/C				
Prosperity Farms Rd.	Regional Centre Ent. to Lone Pine Rd.	420 D/R		650 C			
Recording Fees		10 R	10 R	10 R	10 R	10 R	10 R
Reserve-Beautification	Countywide	1,700 B	1,700 B	1,700 B	1,700 B	1,700 B	1,700 B
Reserve-District Improvements	Countywide	7,000 D/R/M/C	7,000 D/R/M/C	7,000 D/R/M/C	7,000 D/R/M/C	7,000 D/R/M/C	7,000 D/R/M/C
Reserve- Impact Fee Areas	Countywide		5,000 D/R/M/C	5,000 D/R/M/C	5,000 D/R/M/C	5,000 D/R/M/C	5,000 D/R/M/C
Reserve-Impact Fee Area	Area "1"			7,000 D/R/M/C	1,000 D/R/M/C	2,800 D/R/M/C	
Reserve-Impact Fee Area	Area "2"			3,000 D/R/M/C	300 D/R/M/C	800 D/R/M/C	
Reserve-Impact Fee Area	Area "3"				1,800 D/R/M/C	2,300 D/R/M/C	
Reserve-Impact Fee Area	Area "4"			3,100 D/R/M/C	2,300 D/R/M/C	2,200 D/R/M/C	
Reserve-Impact Fee Area	Area "5"			2,500 D/R/M/C	1,500 D/R/M/C	3,000 D/R/M/C	3,700 D/R/M/C
Reserve-Irrigation	Un-incorporated Area, O.T.I.S. Program	1,500 D/C	1,500 D/C	1,500 D/C	1,500 D/C	1,500 D/C	1,500 D/C
Reserve-Plans/Align.	Countywide	1,500 D/S	1,500 D/S	2,000 D/S	2,000 D/S	2,000 D/S	2,500 D/S
Reserve-R/W	Countywide	1,500 R	1,500 R	2,000 R	2,000 R	2,000 R	2,000 R
Reserve-Street Lighting	Countywide	800 D/C	1,200 D/C	1,300 D/C	1,400 D/C	1,500 D/C	1,600 D/C
Reserve-Traffic Calming	Countywide	50 D/C	50 D/C	50 D/C	50 D/C	50 D/C	50 D/C
Reserve-Traffic Signals	Countywide	200 D/C	200 D/C	200 D/C	200 D/C	200 D/C	200 D/C
Reserve-Traffic Signals	Countywide - Mast Arms			3,600 D/C	3,600 D/C	3,600 D/C	3,600 D/C
Roebuck Rd.	One Mile West of Jog Rd. to Jog Rd.	150 R					
Roosevelt Ave. (Island Way)	Indiantown Rd. to North County Line		2,810 P				
Seminole Pratt Whitney Rd.	SR 80 to S. of Okeechobee Blvd.	750 R/M		3,000 C			

S=Study; D=Design; M=Mitigation; R=Right of Way; C=Construction; P=Payment; B=Beautification; L=Street Lighting

TABLE 3A
PALM BEACH COUNTY SIX YEAR ROAD IMPROVEMENT SCHEDULE (\$'s IN 1,000's)

PROJECT	LIMITS	FY 2003 Cost Phase	FY 2004 Cost Phase	FY 2005 Cost Phase	FY 2006 Cost Phase	FY 2007 Cost Phase	FY 2008 Cost Phase
Seminole Pratt Whitney Rd.,	S. of Okeechobee Blvd. to N. of Sycamore Dr.	1,100 R/M	6,400 C				
Seminole Pratt Whitney Rd.	N. of Sycamore Dr. to N. of Orange Blvd.		400 R/M	400 R/M	6,000 C		
Seminole Pratt Whitney Rd.	N. of Orange Blvd. to Northlake Blvd.			800 R/M		4,000 C	
Seminole Pratt Whitney Rd.	Northlake Blvd. to Bee Line Hwy.			2,000 R/M			10,500 C
Silver Beach Rd.	E. of Congress Ave. to Old Dixie Hwy.		300 S/D				
Summit Blvd.	and Congress Ave.		460 C				
S.R. 7	S. of Lake Worth Rd. to N. of Southern Blvd.	5,000 P					
Transfer to Mass Transit	Countywide	500 P	500 P	500 P	500 P	500 P	500 P
Transfer to Rd. Maintenance	Countywide	2,000 P	2,000 P	2,000 P	2,000 P	2,000 P	2,000 P
Woolbright Rd.	Hagen Ranch Rd. to W. of Jog Rd.		500 R		1,000 P		
		70,850	99,000	77,430	75,980	75,640	66,040

S=Study; D=Design; M=Mitigation; R=Right of Way; C=Construction; P=Payment; B=Beautification; L=Street Lighting

Mid-Year Adjustment - Adopted - August 19, 2003

**PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM
FOOTNOTES TO LINE ITEMS CONTAINED IN THE PLAN**

45TH STREET - JOG RD. TO HAVERHILL RD. - Anticipates JPA with Florida Turnpike Authority/Department of Transportation.

ACREAGE/SOUTHERN CONNECTION: Anticipates potential design of two or three separate projects, timing will depend on Sector Planning results.

ALTERNATE A-1-A (S.R. 811) - S. OF FREDERICK SMALL RD. TO TONEY PENNA DR.: Agreement dated, 03/21/95, with ABACOA commits County to construction by FY 2008.
Anticipates JPA with Florida Department of Transportation.

ALTERNATE A-1-A (S.R. 811) - TONEY PENNA DR. TO INDIANTOWN RD.: Agreement dated, 03/21/95, with ABACOA commits County to construction by FY 2007.
Anticipates JPA with Florida Department of Transportation.

CLINT MOORE RD. - S.R. 7 TO JOG RD.: Anticipates \$812,000 contribution from "Sutton Boca One Developer's, Inc. and
\$1,188,000 from "The Oaks at Boca Raton Venture, L.P."

CONGRESS AVE. - LANTANA RD. TO MELALEUCA LN. - Anticipates JPA with Florida Department of Transportation.

CONGRESS AVE. - MELALEUCA LN. TO LAKE WORTH RD.: Florida Department of Transportation \$1,015,000 grant for construction.
Florida Department of Transportation LAP Agreement for \$1,200,000 for construction of Congress Ave./Melaleuca Ln. intersection.

CONGRESS AVE. - NORTHLAKE BLVD. TO S.R. 811 (ALT. A-1-A): Anticipates Developer Agreement.

FLORIDA'S TURNPIKE BRIDGE OVER WEST ATLANTIC AVE.: Anticipates JPA with Florida Turnpike Authority/Department of Transportation.

HAVERHILL RD. LWDD L-19 CANAL TO HYPOLUXO RD.: Anticipates Developer Agreement.

HAVERHILL RD. HYPOLUXO ROAD TO N. OF LWDD L-17 CANAL: Anticipates Developer Agreement.

INDIANTOWN RD., JUPITER FARMS RD. TO W. OF FLORIDA'S TURNPIKE: Anticipates Developer Agreement.

INDIANTOWN RD./I-85 INTERCHANGE: Anticipates Inter-local Agreement for Interchange Modification Report.

INTERSECTION PROGRAM: Future fiscal year Intersection Improvement projects currently in some stage of project development, at an estimate of \$11.4 million.

ITS FACILITY - Anticipates FDOT Joint Project Agreement to advance funds. FDOT Repayment of \$6,500,000 in FY 2006.

LYONS RD., N. of Forest Hill Blvd. to S. of S.R. 80: Anticipates Developer Agreement.

OKEECHOBEE BLVD. - W. OF SR 7 TO W. OF JOG RD. AND OKEECHOBEE BLVD. - W. OF JOG RD. TO E. OF FLORIDA'S TURNPIKE:
Florida Department of Transportation \$3,570,000 grant for construction.

PROSPERITY FARMS RD. - REGIONAL CENTER ENTRANCE TO LONE PINE RD.: Agreement dated, 03/21/95, with ABACOA commits County to construction by FY 2005.

ROOSEVELT AVE. (ISLAND WAY) INDIANTOWN RD. TO NORTH COUNTY LINE: Agreement dated, 10/22/02, with Schickendanz Capital Group, et. al.
Palm Beach County funds included only for the segment from Indiantown Rd. to Limestone Creek Rd.

S.R. 7 - S. OF LAKE WORTH RD. TO N. OF SOUTHERN BLVD.: Public Facilities Agreement dated, 05/15/01, with Anthony Groves and contributions by other Developers
within the corridor (\$5,000,000).

WOOLBRIGHT RD. - HAGEN RANCH RD. TO W. OF JOG RD.: Anticipates Developer Agreement.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 21, 2003
DATED at West Palm Beach, FL on 8/19/03.
DOROTHY H. WILKEN, Clerk
By: Alanna Bynum D.C.